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[Additional counsel listed on signature page]

**UNITED STATES DISTRICT COURT**  
**FOR THE NORTHERN DISTRICT OF CALIFORNIA**

DAVID PIENING and  
EVELYN GONZALEZ, individually and  
on behalf of others similarly situated,

**Plaintiffs,**

V

16 EXPEDIA, INC., HOTELS.COM LP;  
17 TRAVELOCITY.COM LP, SABRE  
18 HOLDINGS CORPORATION,  
19 PRICELINE.COM INCORPORATED,  
20 BOOKING.COM B.V., BOOKING.COM  
(USA), INC., ORBITZ WORLDWIDE,  
21 INC., HILTON WORLDWIDE INC.,  
22 STARWOOD HOTELS & RESORTS  
23 WORLDWIDE, INC., MARRIOTT  
INTERNATIONAL, INC., TRUMP  
INTERNATIONAL HOTELS  
MANAGEMENT, LLC, KIMPTON  
HOTEL & RESTAURANT GROUP, LLC  
INTERCONTINENTAL HOTELS  
GROUP RESOURCES, INC., and JOHN  
DOES 1-100

## Defendants.

Civil Case No.: 12-cv-4805

## CLASS ACTION

## **STIPULATION AND ORDER**

**STIPULATION EXTENDING TIME TO APPEAR, ANSWER, MOVE OR  
OTHERWISE RESPOND AND FOR STAY OF PROCEEDINGS**

WHEREAS, Plaintiff filed the Complaint in this litigation on September 13, 2012;

1        WHEREAS, all of the Defendants have agreed to waive service of the complaint;  
2        WHEREAS, a number of duplicative complaints have been filed nationwide;  
3        WHEREAS, a Motion for Consolidation and Transfer under 28 U.S.C. § 1407 was filed  
4 before the Judicial Panel on Multi-District Litigation (“JPML”) to coordinate and/or consolidate  
5 all of the actions in one court;

6        WHEREAS, Plaintiff and Defendants Hotels.com LP, Travelocity.com LP, Expedia,  
7 Inc., Priceline.com Incorporated, Booking.com B.V., Booking.com (USA), Inc., Sabre Holdings  
8 Corporation, Orbitz Worldwide, Inc., Hilton Worldwide, Inc., Starwood Hotels & Resorts  
9 Worldwide, Inc., Trump International Hotels Management, LLC, Marriott International, Inc.,  
10 InterContinental Hotels Group Resources, Inc., and Kimpton Hotel & Restaurant Group, LLC  
11 (collectively “Defendants”) expect that all of the actions will be coordinated and/or consolidated  
12 before one court;

13        WHEREAS, Plaintiff and Defendants wish to preserve the parties’ and the court’s  
14 resources and efficiently manage the litigation so as not to cause prejudice;

15        NOW THEREFORE, the parties agree as follows:

16        1. Defendants will not be required to answer or otherwise plead in response to the  
17 Complaint until 60 days after a consolidated amended complaint is filed in a transferee court.  
18 Plaintiffs will file their opposition to any motion to dismiss, if filed, within 60 days thereafter.  
19 In the event that the Motion for Consolidation and Transfer under 28 U.S.C. § 1407 is denied,  
20 the parties will confer within seven (7) days of the JPML’s order regarding the due date for  
21 responsive pleadings in this action. No discovery shall be served in the above-styled matter  
22 while this stipulation is in effect.

23        2. Defendants agree that they will seek this same stipulation in any related action  
24 and, if they are unable to reach agreement, will file a motion to stay any related action before  
25 filing a responsive pleading in those related actions.

26        3. In the event that Defendants voluntarily file or are ordered to file a responsive  
27 pleading in any other related action prior to the JPML’s decision, Defendants agree that this  
28

1 stipulation will become void and in that event, all of the parties agree to negotiate in good faith  
2 regarding a responsive pleading date.

3 4. Defendants agree that they will engage in a conference pursuant to Fed. R. Civ.  
4 P. 26(f) with Plaintiff within 14 days of appointment of lead counsel for the Plaintiffs in the  
5 transferee court.

6 Dated: September 25, 2012  
7

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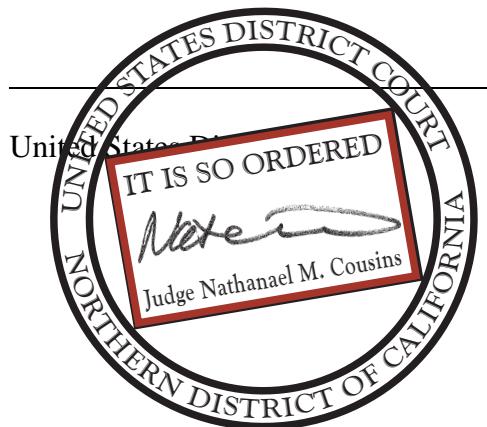
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28 *Marriott International Inc.*

19 **ATTESTATION:** Pursuant to General Order 45, Part X-B, the filer attests that concurrence in  
20 the filing of this document has been obtained from all signatories.

21  
22 **IT IS SO ORDERED:**



1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on September 25, 2012, I electronically filed the foregoing  
3 document using the CM/ECF system which will send notification of such filing to the e-mail  
4 addresses registered in the CM/ECF system, as denoted on the Electronic Mail Notice List, and I  
5 hereby certify that I have caused to be mailed a paper copy of the foregoing document via the  
6 United States Postal Service to the non-CM/ECF participants indicated on the Manual Notice  
7 List generated by the CM/ECF system.

8

9 /s/ Emily Johnson Henn  
10 Emily Johnson Henn

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